

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUAN DAVILA-BAJANA, )  
vs. )  
Plaintiff, )  
vs. ) Case No. C.A. 04-0235 Erie  
TIM HOLOHAN, et al., ) RECEIVED  
Defendants. )  
JAN 23 2006

MOTION FOR EXTENSION OF TIME IN WHICH  
TO REPLY TO THE RESPONDENT'S RESPONSE

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

NOW COMES, the Petitioner, Juan Davila-Bajana, and appearing pro  
se, hereby moves this Court for an extension of time in which to reply  
to the Response of the Respondent filed herein, and as grounds for granting  
same, the Petitioner respectfully submits:

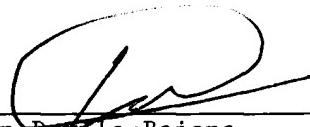
On January 17, 2006, the Responsive pleading of the Respondent and  
research materials were confiscated from the inmate assisting Petitioner  
with this litigation by Senior Officer J. Chappelle. This in effect violates  
Bureau policy (see Program Statement 1315, page 11, para. f), as well  
as Plaintiff's constitutional rights to seek assistance from another inmate.  
see Johnson v. Avery, 393 U.S. 483. The Third Circuit has declared that  
prison officials may not interfere with other inmates assisting in the  
preparation of legitimate legal materials. see Wade v. Kane, 448 F.Supp.  
678, 684 (E.D.Pa. 1978) aff'd, 591 F.2d 1338 (3d Cir. 1979); see also  
Rhodes v. Robinson, 612 F.2d 766, 769 (3d Cir. 1979).

Petitioner is presently attempting an informal resolution to this  
matter and to retrieve his legal documents. However, Petitioner may have  
to assert his administrative remedies.

WHEREFORE, facts and premises considered, the Plaintiff prays that this Court will grant this motion as moved herein.

Dated: January 18, 2006

Respectfully submitted:



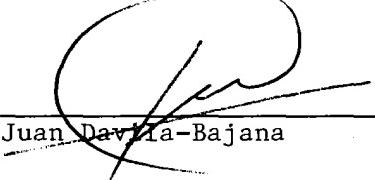
Juan Davilla-Bajana  
Reg. No. 47580-053  
FCI McKean  
P.O. Box 8000  
Bradford, PA. 16701-0980

PETITIONER pro se

CERTIFICATE OF SERVICE

I do hereby certify that on this the 18th day of January, 2006, I placed in the U.S. Mail, first-class postage prepaid, a true and correct copy of the above and foregoing pleading for service to:

Office of the U.S. Attorney  
700 Grant Street, Ste. 4000  
Pittsburgh PA 15219



Juan Davilla-Bajana